

CERTIFICATION


Federal Rule of Civil Procedure 26(c); Civil L.R. 37

I, Shirli Fabbri Weiss, declare,

1. I am an attorney admitted to practice in California and before this honorable Court.
I am one of the attorneys for defendant Kenneth L. Schroeder in this matter.

2. On November 6 and 7, I conferred by telephone with Mark P. Fickes, one of the attorneys for plaintiff Securities and Exchange Commission in a good faith effort to resolve our differences regarding the timing of the deposition of defendant Schroeder. Despite good faith efforts on both sides, we were unable to resolve our differences.

I certify that the above is true and correct and that this declaration was executed by me in San Diego County, California on November 7, 2007.


Shirli F. Weiss